

John H. Eickemeyer (JE-8302)
Daniel C. Green (DG-0059)
VEDDER PRICE P.C.
1633 Broadway, 47th Floor
New York, New York 10019

Daniel J. Standish (*pro hac vice*)
Marc E. Rindner (*pro hac vice*)
Cara Tseng Duffield (*pro hac vice*)
WILEY REIN LLP
1776 K Street NW
Washington, D.C. 20006

Attorneys for Plaintiff Arch Insurance Company

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ARCH INSURANCE COMPANY,

Plaintiff,

-against-

JOHN D. AGOGLIA, et al.,

Defendants.

**Case No. 08-CIV-5252 (GEL)
ECF Case**

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT upon the accompanying Declaration of John H. Eickemeyer, Esq., dated July 11, 2008, and the exhibits annexed thereto and referenced therein, the accompanying Memorandum of Law, the accompanying Statement of Uncontested Material Facts, made pursuant to Local Rule 56.1, and all the papers and proceedings heretofore had herein, plaintiff Arch Insurance Company (“Arch”), by its attorneys, will move this Court, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl St., New York, New York, Courtroom 6B, on August 18, 2008 at 10:00 a.m., before the Hon. Gerard E. Lynch, for a

declaration pursuant to Rule 56 of the Federal Rules of Civil Procedure, that the directors and officers liability insurance policy Arch issued to Refco, Inc. affords no coverage for various former Refco, Inc. directors and officers in connection with various criminal and civil proceedings, awarding Arch its reasonable costs and disbursements incurred on this motion, and granting such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to this Court's Order of July 2, 2008, opposing papers, if any, shall be filed no later than August 8, 2008, and Arch's reply papers, if any, shall be filed no later than August 15, 2008.

Date: July 11, 2008

Respectfully submitted,

By: s/ John H. Eickemeyer
John H. Eickemeyer (JE-8302)
jeickemeyer@vedderprice.com
Daniel C. Green (DG-0059)
dgreen@vedderprice.com
VEDDER PRICE P.C.
1633 Broadway, 47th Floor
New York, New York 10019
(212) 407-7700

OF COUNSEL:

Daniel J. Standish (admitted *pro hac vice*)
dstandish@wileyrein.com
Marc E. Rindner (admitted *pro hac vice*)
mrindner@wileyrein.com
Cara Tseng Duffield (admitted *pro hac vice*)
cduffield@wileyrein.com
WILEY REIN LLP
1776 K Street, N.W.
Washington, D.C. 20006
(202) 719-7000

Counsel for Plaintiff Arch Insurance Company